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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,987	08/20/2001	Harald Bock		8341
29177	7590	08/10/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC			BELLO, AGUSTIN	
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CHICAGO, IL 60690-1135			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/913,987	BOCK ET AL.	
<b>Examiner</b>	<b>Art Unit</b>		
	Agustin Bello	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 July 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 4-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 4-7 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 20 August 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson (U.S. Patent No 6,249,510).

Regarding claim 4, Thompson teaches a network node (Figure 2) having optical add modules (reference numerals 35-1 and 35-2 in Figure 2) and drop modules (reference numeral 30-1 and 30-2 in Figure 2) for a bidirectional ring network (Figure 1) that has a working connection (reference numeral 21, 22 in Figure 2) and a protection connection (reference numeral 11, 12 in Figure 2) to other network nodes, comprising: a first drop module (reference numeral 30-1 in Figure 2) and a first add module (reference numeral 35-1 in Figure 2) positioned on a protection module (e.g. the module incorporating reference numerals 30-1, 35-1, 40, and 45 in Figure 2) for bidirectional protection connection; and a second drop module (reference 30-2 in Figure 2) and a second add module (reference numeral 35-2 in Figure 2) positioned on a working module (reference numeral 35-2, 30-2, 40, and 45 in Figure 2) for bidirectional working connection, wherein the second drop module (reference numeral 30-2 in Figure 2) and the first add module (reference numeral 35-1 in Figure 2) are positioned in series (e.g. via reference numeral 32-4 in Figure 2) with respect to a second fiber ring (reference numerals 11, 12 in

Figure 2) and wherein the first drop module (reference numeral 30-1 in Figure 2) and the second add module (reference numeral 35-2 in Figure 2) are positioned in series (e.g. via reference numeral 31-1 in Figure 2) with respect to a first fiber ring (reference numeral 21, 22 in Figure 2), and wherein the add and drop function are arranged on two separate boards (see Figure 2).

Regarding claim 5, Thompson teaches the network node as claimed in Claim 4, wherein the first drop (reference numeral 30-1 in Figure 2) and add modules (reference numeral 35-1 in Figure 2) of the protection module and the second drop (reference numeral 30-2 in Figure 2) and add modules (reference numeral 35-2 in Figure 2) of the working module each have a line input (reference numerals 11 and 22 in Figure 2) and a line output (reference numeral 12, 21 in Figure 2) such that the first drop and add modules and the second drop and add modules are each insertable in the first or second fiber rings (as seen in Figure 1).

3. Claims 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu (U.S. Patent No. 5,953,141).

Regarding claim 6, Liu teaches a network node (Figure 11) having optical add modules (reference numeral 1113 and 1114 in Figure 11) and drop modules (reference numeral 1111 and 1112 in Figure 11) for a unidirectional ring network (as noted in the abstract) which has a working connection (reference numeral O2 in Figure 11) and a protection connection (reference numeral O1 in Figure 11) to other network nodes, comprising: a first drop module (reference numeral 1112 in Figure 11) and a first add module (reference numeral 1114 in Figure 11) positioned on a protection module (reference numerals 1101, 1102, 1112, 1105, 1103, 1114, and 1104 in Figure 11) for protection connection; and a second drop module (reference numeral 1111 in Figure 11) and a second add module (reference numeral 1113 in Figure 11) positioned on a

working module (reference numerals 1101, 1102, 1111, 1105, 1103, 1113, and 1104 in Figure 11) for working connection, wherein the first drop module (reference numeral 1112 in Figure 11) and the first add module (reference numeral 1114 in Figure 11) are inserted in series in a second fiber ring (e.g. to O<sub>1</sub>) and the second drop module (reference numeral 1111 in Figure 11) and the second add module (reference numeral 1113 Figure 11) are inserted in series in a first fiber ring (e.g. I<sub>1</sub> to O<sub>2</sub>) and wherein the add and drop function are arranged on two separate boards (see Figure 11).

Regarding claim 7, Liu teaches the network node as claimed in Claim 6, wherein the first drop and add modules (reference numerals 1112, 1114 in Figure 11) and the second drop and add modules (reference numeral 1111, 1113 in Figure 11) each have a line input (reference numeral I<sub>1</sub>, I<sub>2</sub> in Figure 11) and a line output (reference numeral O<sub>1</sub>, O<sub>2</sub> in Figure 0) such that the first drop and add modules and the second drop and add modules are insertable in series into the first fiber ring or the second fiber ring (as seen in Figure 11).

#### ***Response to Arguments***

4. Applicant's arguments filed 3/11/05 have been fully considered but they are not persuasive. The applicant argues that the added limitation to the add/drop functions being arranged on two separate boards distinguishes the claimed invention over the prior art. However, the examiner disagrees. See, for example, Figures 5, 6, and 11 of Liu which shows the add/drop functions as two separate and distinct elements/boards. Thompson similarly shows the separation of these functions.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agustin Bello whose telephone number is (571) 272-3026. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



**AGUSTIN BELLO**  
**PATENT EXAMINER**